

Editor's note: Appealed -- settled, sub nom. Ondola v. Hathaway, Civ. No. A75-111 (D.Alaska May 30, 1980)

VIRGINIA GAIL ATCHISON ET AL.

IBLA 73-216, etc.

Decided August 31, 1973

Separate appeals from the several decisions by the Alaska State Office of the Bureau of Land Management rejecting appellant's respective applications for Alaska native allotments.

Dismissed without prejudice.

Attorneys! ! Practice Before the Department: Persons Qualified to Practice! ! Rules of Practice: Appeals: Dismissal

Representation of parties in proceedings before Appeals Boards of the Office of Hearings and Appeals is governed by Part I of Title 43, Code of Federal Regulations. 43 CFR 4.3. Where by decision of the Board of Land Appeals a field official of the Bureau of Indian Affairs has been found not qualified to practice before the Department and is barred from federal appearances on behalf of individual claimants of public lands, but he thereafter continues to file appeals and pleadings in disregard of the Board's ruling, such appeals will be dismissed. At the discretion of the Board such dismissals may be without prejudice to the appellants' refiling the appeals either personally or by a representative who is entitled to practice before the Department.

APPEARANCES: Roy Peratrovich, Superintendent of Anchorage Agency, Bureau of Indian Affairs, for the appellants. Loretta C. Douglas, Esq., Office of the Solicitor, Washington, D.C., for the Bureau of Land Management and the Geological Survey.

OPINION BY MR. STUEBING

The appellants named in the cases listed in the appendix hereto are each applicants for allotments of public lands under the Act of May 17, 1906; 43 U.S.C. §§ 270.1, 270.3 (1970). By separate decisions, the Alaska State Office of the Bureau of Land Management rejected each of their applications, whereupon appeals were filed by Roy Peratrovich, Superintendent of the Anchorage Agency, Bureau of Indian Affairs, on behalf of each applicant.

Representation of parties in proceedings before Appeals Boards of the Office of Hearings and Appeals is governed by Part I of Title 43, Code of Federal Regulations. 43 CFR 4.3. Superintendent Peratrovich is not authorized to practice before this Department, and his appearance on behalf of individual claimants of federal public land is in violation of regulations in 43 CFR Part 1. This conclusion was first announced in the decision in Plesant, Moore and Wassillie, 5 IBLA 171 (1972), wherein we specifically held that future appearances by the Superintendent would not be recognized by this Board, absent an adequate showing of statutory or regulatory authority therefor. No such showing has been made. Subsequently, however, Peratrovich, in disregard of this ruling, filed these appeals.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, each of the captioned appeals is hereby dismissed. However, in view of the fact that the appellants were probably unaware of the prior holding of this Board that Peratrovich was not qualified to practice before it, the dismissal of these appeals shall be without prejudice to the named appellants, and each of them shall have thirty days from receipt hereof to initiate new appeals in accordance with procedures described in 43 CFR 4.400, either personally or by a representative who is entitled to practice before this Department.

Edward W. Stuebing
Member

We concur:

Newton Frishberg
Chairman

Douglas E. Henriques
Member

APPENDIX

<u>Appellant</u>	<u>IBLA No.</u>	<u>BLM Serial No.</u>
Virginia Gail Atchison	73-216	AA-7803
Andrew Petla	73-295	AA-7719
Nick J. Dancer	73-296	AA-7178
George and Susie Ondola	73-315	AA-5834, AA! 7561
Erick J. Carlson	73-320	AA-6239
Natalia A. Wassilliey	73-369	AA-7191
Daniel Johansen	73-382	AA-7759
Anuska Olson	73-383	AA-8266
Ester Thorson	74-7	AA-8266
Thomas S. Thorson, Jr.	74-8	AA-8264
Donna M. Blatchford	74-51	AA-8185

